



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAMA L. JAYCOX, and NASER AL-
MASALMEH,

Plaintiffs,

v.

GC SERVICES LIMITED PARTNERSHIP
and TANYA L. CHRISTMANN,

Defendants.

Case No. 4:06CV481 CDP

GC SERVICES LIMITED PARTNERSHIP,

Third-Party Plaintiff,

v.

ROBERT BRIAN JAYCOX

Third-Party Defendant.

THIRD-PARTY COMPLAINT FOR INDEMNIFICATION

NOW COMES Defendant/Third-Party Plaintiff, GC SERVICES LIMITED PARTNERSHIP, (“GCS”), by and through its attorneys, Hinshaw & Culbertson LLP and Ashley L. Narsutis, complaining of Third-Party Defendant, ROBERT BRIAN JAYCOX, alleges as follows:

1. This is an action for indemnification against Third-Party Defendant, ROBERT BRIAN JAYCOX, a natural person and resident of Jefferson County, Missouri.

2. The original action in this case is a complaint for violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (“FCRA”), alleged against GCS and defendant TANYA L. CHRISTMANN, (“CHRISTMANN.”) (*See* Plaintiffs’ Complaint ¶ 1.)

3. This Court has original jurisdiction over Third-Party Defendant pursuant to the FCRA, 15 U.S.C. § 1681p and 28 U.S.C. § 1331.

4. Venue is proper in that plaintiffs have filed their claim in this District and GCS, if found liable, would be liable in this District.

5. Plaintiffs in the original action allege that CHRISTMANN illegally obtained plaintiffs' credit reports from Experian, while employed at GCS, and then gave the credit reports to her boyfriend, Third-Party Defendant, ROBERT BRIAN JAYCOX. (*See* Plaintiffs' Complaint ¶¶ 7, 14.)

6. Plaintiffs allege that CHRISTMANN did not have a permissible purpose for obtaining plaintiffs' credit reports and thus violated the FCRA. (*See* Plaintiffs' Complaint at Counts II & IV.)

7. On information and belief, CHRISTMANN, in obtaining plaintiffs' credit reports, acted on behalf of ROBERT BRIAN JAYCOX, or else CHRISTMANN acted in concert with ROBERT BRIAN JAYCOX.

8. Plaintiffs, in the original action, allege that GCS is liable, under the FCRA, as CHRISTMANN's employer, for CHRISTMANN's conduct. (*See* Plaintiffs' Complaint at Counts I & III.)

9. While GCS denies violating the FCRA, GCS hereby complains against ROBERT BRIAN JAYCOX, (GCS has already filed a cross-claim against CHRISTMANN), as ROBERT BRIAN JAYCOX is liable to GCS should GCS be found liable to plaintiffs for any damages.

10. GCS did not authorize nor did GCS have any knowledge of CHRISTMANN's or ROBERT BRIAN JAYCOX's conduct in regard to plaintiffs.

11. CHRISTMANN and ROBERT BRIAN JAYCOX were acting on their own behalf and for their own personal reasons in obtaining plaintiffs' credit reports.

12. Therefore, indemnification is warranted in this case wherein ROBERT BRIAN JAYCOX is an "active" or "primary" wrongdoer and GCS is alleged to be a "passive" or "secondary" wrongdoer. *Yolay v. City of Alexandria Employees Credit Union, Inc.*, 827 F.2d 967 (4th Cir. 1987).

WHEREFORE, should GCS be found liable to plaintiffs in this case, GCS demands that judgment be entered against ROBERT BRIAN JAYCOX, finding him liable to GCS for indemnification for the entire amount of any judgment, including punitive damages and attorney's fees.

Respectfully submitted,
GC SERVICES L.P.

By: s/Ashley L. Narsutis
One of their attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on December __, 2006, I electronically filed **THIRD-PARTY COMPLAINT FOR INDEMNIFICATION** with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to the following:

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Respectfully submitted,
GC SERVICES L.P.

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